



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 07-5085**  
**Released: December 21, 2007**

## **DOMESTIC 214 APPLICATION GRANTED**

**Application for the Indirect Transfer of Control of Broadview Networks Holdings, Inc.**

**WC Docket No. 07-224**

### **By the Chief, Wireline Competition Bureau:**

On October 1, 2007, MCG Capital Corporation (MCG Capital) and Broadview Networks Holdings, Inc. (Broadview Holdings) and its operating subsidiaries, A.R.C. Networks, Inc., ATX Licensing, Inc., Broadview Networks, Inc., Broadview NP Acquisition Corp., BridgeCom International, Inc., Eureka Telecom, Inc., Eureka Telecom of VA, Inc., InfoHighway of Virginia, Inc., and TruCom Corporation (collectively, Applicants), filed an application, pursuant to section 63.03 of the Commission's rules, 47 C.F.R. § 63.03,<sup>1</sup> requesting authority to transfer control of Broadview Holdings and its operating subsidiaries from MCG Capital, through either a private placement or public offering stock issuance.

The Wireline Competition Bureau (Bureau) released a public notice accepting this application for streamlined processing on October 9, 2007.<sup>2</sup> Subsequently, the Bureau removed the application from streamlined review for further consideration of the transaction.<sup>3</sup> No commenters opposed grant of this application.

In the time that has elapsed since this application was first placed on public comment, Broadview Holdings has filed an S-1 with the Securities Exchange Commission to conduct an initial public offering (IPO) of common stock to be sold in the public market, and Applicants no longer plan to conduct a private placement of Broadview Holdings' stock.<sup>4</sup> Applicants have agreed to notify the Commission within 30 days of the completion of the public offering as to the final ownership interests in the

---

<sup>1</sup> See 47 U.S.C. § 214.

<sup>2</sup> *Domestic Section 214 Application Filed for the Indirect Transfer of Control of Broadview Networks Holdings, Inc.*, WC Docket No. 07-224, Public Notice, DA 07-4186 (rel. Oct. 9, 2007).

<sup>3</sup> *Notice of Removal of Domestic Section 214 Application From Streamlined Treatment*, WC Docket No. 07-224, Public Notice, DA 07-4483 (rel. Oct. 31, 2007).

<sup>4</sup> See Letter from Catherine Wang and Troy F. Tanner, Counsel for Broadview Networks Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-224 (filed Dec. 11, 2007) (Supplement).

Applicants, including any individual or entity that has shares constituting 10 percent or more of the equity or voting interests of Broadview Holdings as a result of the IPO, and thus has a 10 percent or greater direct or indirect equity or voting interest in Applicants.

The Wireline Competition Bureau finds, upon consideration of the record, that a conditional grant of the application will serve the public interest, convenience, and necessity.<sup>5</sup> The Bureau therefore grants the requested authorization, conditioned on Applicants' compliance with the terms of the Supplement.

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted herein is effective upon the release of the Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Alex Johns at 202 / 418-1167, Competition Policy Division, Wireline Competition Bureau.

**-FCC-**

---

<sup>5</sup> See *Verizon Communications, Inc. and America Movil, S.A. DE C.V., Application for Authority to Transfer Control of Telecomunicaciones de Puerto Rico, Inc.*, WT Docket No. 06-113, Memorandum Opinion and Order, 22 FCC Rcd 6195, 6224-25, para. 65 (2007) (grant conditioned on parties notifying the Commission within 10 days whether an entity has acquired more than five percent of any class of equity security of the company).